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THE SITUATION IN BOSNIA AND HERZEGOVINA

Czech Republic, Egypt, Indonesia, Jordan, Malaysia, Morocco, Pakistan, Saudi Arabia, Slovenia and Turkey: revised draft resolution

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994 and 51/203 of 17 December 1996 and all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Also reaffirming its support for the constitutional rights of the three constituent peoples and others in Bosnia and Herzegovina as a united country consisting of two multi-ethnic entities,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[1] signed in Paris on 14 December 1995,

Also welcoming the efforts for the respect, promotion and protection of human rights in all of Bosnia and Herzegovina and for the functioning of the common institutions of Bosnia and Herzegovina, in accordance with the relevant provisions of the Peace Agreement,

[1] See A/50/790-S/1995/999.

Supporting those institutions and organizations of Bosnia and Herzegovina which are engaged in the implementation of the Peace Agreement and the process of reconciliation and reintegration,

Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their homes, emphasizing the need for all parties and the relevant States and international organizations to create the conditions necessary to facilitate return, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Expressing support for the efforts of the Coalition for Return in facilitating the objectives of annex 7 to the Peace Agreement,

Having considered the fourth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[2] noting the varying degrees of cooperation and compliance described therein, and stressing the importance and urgency of the work of the International Tribunal as an element of the process of reconciliation in Bosnia and Herzegovina and in the region as a whole,

Noting that the conclusions of the Peace Implementation Conference held at Bonn on 9 and 10 December 1997, state that all persons indicted for war crimes must be handed over to the International Tribunal for justice to be dispensed impartially, under the terms of the Peace Agreement and Security Council resolutions, and that they draw particular attention to the failure to carry out that obligation by the authorities of Republika Srpska and the Federal Republic of Yugoslavia,

Supporting fully the efforts of the International Tribunal aimed at the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827 (1993) of 25 May 1993 and 1022 (1995) of 22 November 1995, including with respect to surrendering persons sought by the Tribunal, and welcoming the efforts to secure compliance with the orders of the Tribunal, consistent with the Security Council mandate,

Welcoming the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations, including the unconditional establishment of diplomatic relations, among those States, in accordance with the Peace Agreement, and the settlement of issues relating to the succession of the States,

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon

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[2] See A/52/375-S/1997/729.

the Governments and the authorities in the region, as well as relevant international organizations, to facilitate such full respect,

Noting that democratization in the region will enhance the prospects for a lasting peace and help to guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Welcoming the holding of elections throughout Bosnia and Herzegovina under the supervision of the Organization for Security and Cooperation in Europe on 13 and 14 September 1997 for municipal or local governments, and calling for full implementation of the results by the deadline of 31 December 1997,

Noting the positive impact of the three previous pledging conferences, held respectively on 21 December 1995, 13 and 14 April 1996 and 25 July 1997 and chaired by the World Bank and the European Union, on the peace process and reintegration of the country as well as the reconstruction effort, stressing the importance and urgency of providing the pledged financial assistance and technical cooperation in reconstruction efforts and the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region,

Stressing that the provision of reconstruction aid and financial assistance is conditional upon the parties' meeting their obligations under the Peace Agreement,

Welcoming in particular the important efforts of the European Union and bilateral and other donors to provide humanitarian and economic assistance for reconstruction,

Underlining that the full, comprehensive and consistent implementation of the Peace Agreement is vital for the maintenance of international peace and security,

1. Expresses its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[1] which constitutes the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. Welcomes the successful implementation of certain aspects of the Peace Agreement, including the establishment of a lasting cessation of hostilities, and the successful holding of municipal elections on 13 and 14 September 1997 throughout Bosnia and Herzegovina;

3. Reiterates its demand for the full, comprehensive and consistent implementation of the Peace Agreement;

4. Supports fully the coordinated efforts of the High Representative in the implementation of the peace process in Bosnia and Herzegovina, in accordance

with the Peace Agreement, and calls upon all parties to cooperate fully and in good faith with him;

5. Welcomes the conclusions of the Peace Implementation Conference held at Bonn on 9 and 10 December 1997, and calls upon all parties as signatories to the Peace Agreement and others concerned to implement fully those conclusions and to continue to work for a peaceful, reintegrated and stable Bosnia and Herzegovina, in accordance with the Peace Agreement;

6. Also welcomes the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council, held at Sintra, Portugal, on 30 May 1997,[3] and demands their full implementation;

7. Calls upon all parties to cooperate fully, and in good faith, in ensuring the substantial functioning of all of the common institutions of Bosnia and Herzegovina in accordance with the relevant provisions of the Peace Agreement, and urges the relevant international organizations to continue to provide assistance to meet the infrastructural needs of the new common institutions of Bosnia and Herzegovina;

8. Recognizes that responsibility for consolidating the peace lies primarily with the authorities of Bosnia and Herzegovina, as was confirmed in particular in the joint declaration adopted at Geneva on 14 August 1996;

9. Also recognizes that the role of the international community remains essential, and welcomes the readiness of the international community to continue its efforts;

10. Underlines that the assistance provided by the international community remains strictly conditional upon compliance with the Peace Agreement and subsequent obligations;

11. Welcomes the vital contribution of the multinational Stabilization Force in providing a secure environment for the implementation of civilian aspects of the Peace Agreement, and calls upon all parties to cooperate fully with it;

12. Also welcomes the conclusion of the Bonn Peace Implementation Conference that there is an emerging consensus on the need for an international military presence to continue beyond June 1998, considering it indispensable for the maintenance of the stable security environment necessary for the implementation of civilian aspects of the Peace Agreement;

13. Expresses its full support for the efforts of the United Nations International Police Task Force in carrying out its mandate, and calls for the fullest cooperation by all parties in this regard;

14. Stresses the importance of the full, comprehensive and consistent implementation of the Peace Agreement, including cooperation and compliance with

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[3] S/1997/434, annex.

the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the establishment of the necessary conditions for the voluntary return of refugees and displaced persons, and the establishment of the necessary conditions for freedom of movement;

15. Urges all the parties to implement fully and without delay the results of recent municipal elections in all municipalities of Bosnia and Herzegovina, in particular through the constitution of councils, and to establish functioning municipal assemblies that reflect the election results, in accordance with the relevant provisions of the Peace Agreement;

16. Underlines the importance of establishing, strengthening and expanding throughout all of Bosnia and Herzegovina free and pluralistic media;

17. Insists upon the need to surrender all indictees to the International Tribunal for trial, notes that the Tribunal has the authority to address individual responsibility for the perpetration of the crime of genocide, crimes against humanity and other serious violations of international humanitarian law committed, including in Bosnia and Herzegovina, and underlines the obligation of all the parties to hand over to the Tribunal all indicted persons in territories under their control, and otherwise fully to comply with the orders of the Tribunal and to cooperate with the work of the Tribunal, including with exhumations and other investigative acts, in accordance with article 29 of the Statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the General Framework Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina;

18. Urges Member States, taking into account the orders and requests of the International Tribunal, to offer the Tribunal their full support, including financial support, in order to ensure the completion of the Tribunal's purpose, and to carry out their obligations under the Statute of the Tribunal and all relevant Security Council resolutions;

19. Reaffirms once again the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with the General Framework Agreement, in particular annex 7 to the Agreement, and the realization of the same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to establish immediately the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication of all the citizens of Bosnia and Herzegovina, and upon the relevant international organizations to enhance the conditions to facilitate return, in accordance with the relevant provisions of the General Framework Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina, and welcomes continued and new efforts by the United Nations agencies, the European Union, bilateral and other donors and non-governmental organizations to establish and implement projects designed to facilitate the voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina, including projects that would help create a safe and secure environment with increased economic opportunity;

20. Encourages the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including to areas where they would be in the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, and demands that such acts be investigated and prosecuted;

21. Reaffirms once again its support for the principle that all statements and commitments made under duress, in particular those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and supports the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, in compliance with its mandate;

22. Calls for the repeal of all property laws that prevent pre-war residents from returning to their homes and for ensuring the passage of non-discriminatory legislation;

23. Emphasizes the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina;

24. Stresses that the obligation to cooperate fully with the Supervisor for Brčko and his decisions is an essential obligation for both of the entities, and notes that the conclusions of the Bonn Peace Implementation Conference state that the outcome of the Arbitration Award in March 1998 will be significantly affected by the degree of compliance shown by the parties;

25. Welcomes the notable progress in the implementation of articles II and IV of the Agreement on Regional Stabilization and the successful completion of declared reduction liabilities under the article IV agreement, and urges all parties to continue to pursue the full implementation of their obligations;

26. Stresses the need for timely information about the level of cooperation and compliance with the International Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina, and the status and implementation of the Agreement on Subregional Arms Control;

27. Commends the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross, the International Monetary Fund, the Islamic Development Bank, the multinational Stabilization Force, non-governmental organizations, the Organization of the Islamic Conference, the Organization for Security and Cooperation in Europe, the Peace Implementation Council and the World Bank, in their roles in the implementation of the Peace Agreement;

28. Also commends, in particular, the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the Office of the High Representative, the Office of the

Special Rapporteur for Human Rights of the Commission on Human Rights, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina, the United Nations Development Programme and the other United Nations agencies in the peace process, and encourages their further engagement in the peace process in Bosnia and Herzegovina;

29. Decides to include in the provisional agenda at its fifty-third session the item entitled "The situation in Bosnia and Herzegovina".